

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

APR 23 2016

David J. Bradley, Clerk

United States of America)

v.)

Hawi Roberto MENDOZA-Garcia)

YOB: 1983)

Citizenship: Mexico)

Case No. M-16-0734-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 22, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841

&

21 U.S.C. § 952

defendant did knowingly and intentionally possess with the intent to distribute approximately 12.4 kilograms of heroin and 7.06 kilograms of cocaine, both schedule II controlled substances and did knowingly and intentionally import into the United States from the United Mexican States approximately 12.4 kilograms of heroin and 7.06 kilograms of cocaine, both schedule II controlled substances.

This criminal complaint is based on these facts:

On April 22, 2016, a grey 2016 Seat Toledo, displaying Mexican license plate; XKR7066, entered the United States from the United Mexican States at the Progreso, Texas Port of Entry. The vehicle was driven by Hawi Roberto MENDOZA-Garcia, herein referred to as MENDOZA. MENDOZA is a Mexican national possessing a B1/B2 visa, commonly referred to as a border crossing card.

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.



Complainant's signature

Andrew Bowman, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/23/2016

4:05 pm



Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

Attachment "A"

At primary inspection, Customs and Border Protection Officer (CBPO) M. Briones received a negative declaration from MENDOZA, the sole occupant, for prohibited items. MENDOZA stated he was traveling to Mercedes, Texas to shop at the outlet mall. CBPO M. Briones inspected the vehicle and observed the vehicle was very clean with an empty glove box. CBPO M. Briones also utilized a density meter and received an abnormally high reading at the rocker panels. CBPO M. Briones referred the vehicle and MENDOZA to secondary for further inspection.

At secondary, CBPO J. Balk received another negative declaration for prohibited items from MENDOZA. The vehicle was scanned through the mobile ZBV X-Ray and anomalies were discovered in the rocker panels. CBPO J. Rodriguez and his narcotics detection dog (NDD) conducted an open air search of the vehicle and the NDD provided a positive alert for the odor of narcotics near the doors. A total of thirty-six (36) packages were removed from the rocker panels. All 36 of the packages were probed and twelve (12) packages contained a substance that field-tested positive for cocaine. The remaining twenty-four (24) packages contained a substance that field-tested positive for heroin. The total weight of all twelve (12) cocaine packages was 7.06 kilograms. The total weight of all twenty-four (24) heroin packages was 12.40 kilograms.

A short time later, Homeland Security Investigations (HSI) Special Agent (SA) Cesar Robles arrived at the port of entry. SA Robles interviewed MENDOZA. MENDOZA was read his Miranda rights from a pre-printed form in Spanish by SA Robles. MENDOZA stated that he understood his rights and wanted to answer questions. MENDOZA admitted to knowing the vehicle contained an illegal narcotic and thought it was all cocaine. MENDOZA stated unknown individuals in Mexico loaded the vehicle with the narcotics and he was instructed to cross the vehicle and deliver it to the Mercedes, Texas outlet mall. MENDOZA stated he was going to be paid approximately \$15,000-\$20,000 USD for completing the narcotics delivery.